



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 11, 2006

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Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1 Certificates of Appreciation/(3) Individuals, Efforts to Preserve Historical Archives. (Dermer)2
PA2 Certificates of Appreciation/Public Safety Staff, Assisted in Airplane Crash Search. (Steinberg)
PA3 Certificate of Appreciation/Peter Loftin, Donating Casa "Casuarina" for Charitable Events. (Bower)
PA4 **New Item:** Proclamation of January 2006 as American Jewish History Month. (Steinberg)
PA5 **New Item:** Certificate of Apprec./Tom Columbo, Rescue Efforts During Airplane Tragedy. (Garcia)
PA6 **New Item:** Certificate of Apprec./Miami Arts Committee, Miami Modern Architecture. (Libbin)

C2A Approve Purchase, (1) School Bus & (1) School Bus w/ ADA Compliant Lift, \$133,404.
C2B Reject All Bids Received for Bid No. 01-05/06, Purchase Litter Control Services.

C4A Ref: Finance & Citywide Projects Committee - Jewish Museum's Grant Request. (Gross)
C4B Ref: Neighborhoods/Community Affairs Committee - MB Housing Authority Land Exchange.
C4C Ref: Neighborhoods/Community Affairs Committee - Underground Utilities. (Steinberg)
C4D Ref: Neighborhoods/Community Affairs Committee - Dogs Swimming at the Beach. (Gross)
C4E Ref: Neighborhoods/Community Affairs Committee - Sexual Predator Ordinance. (Gross)
C4F Ref: Neigh/Community Affairs & Finance & CWP Comm. - Management of (4) CMB Markets.

C6A Report: Neighborhoods/Community Affairs Committee Meeting on November 29, 2005.
C6B Report: Land Use & Development Committee Meeting on December 12, 2005.
C6C Report: Finance & Citywide Projects Committee Meeting on December 21, 2005.
C6D Report: G.O. Bond Oversight Committee Meeting on December 5, 2005.

C7A Execute Lease Agreements, Use of Office Space at 1701 Meridian Avenue.
C7B Amend Lease Agreement w/ MB Federal Credit Union for 1701 Meridian Avenue.
C7C Execute Amendment, Hydrogeologic Consulting for MB Golf Club Maintenance Building.
C7D Set Public Hearing, Proposed Sale/Exchange of City Property at 1833 Bay Road.
C7E Enter into an Urban & Community Forestry Grant MOA w/ the State of Florida.
C7F Accept Recommendation, RFP for Temporary Personnel Services.

C7G Execute Service Agreement, Coastal Communities Transportation Master Plan.
C7H Execute Non-Exclusive Easement to FPL, Work at the Maurice Gibb Memorial Park.
C7I Execute MMOA w/ FDOT, Maintenance of Decorative Asphaltic Surfaces.
C7J Appropriate Concurrency Mitigation Funds, Traffic Signal Improvements Project on Alton Rd.
C7K Execute Service Agreement w/ Arts for Learning/Miami, Arts Education Programs.
C7L Set Public Hearing, Proposed Lease Agreement w/ Miami City Ballet (2200 Liberty Ave)
C7M Approve Communications Site Lease Agreement w/ Nextel South Corporation.

R2A Approve Purchase, Police Vehicles, Cargo Vans & Pick Up Trucks, \$988,105.10.

R2B Approve Purchase, (1) Pierce 100' Aerial Platform Ladder Truck, \$870,609.00.

R5A **10:15 a.m. 2nd Rdg**, Amend No. 1605 Unclassified Employees Salary Ordinance.

R5B **10:20 a.m. 2nd Rdg**, Amend the Name of "The Barrier-Free Environment Committee."

R5C **10:25 a.m. 2nd Rdg**, DRB Scope and Exemptions. **5/7**

R5D **5:01 p.m. 2nd Rdg**, Noise Ordinance Amendment.

R5E **1st Rdg**, Amend Shapiro Ordinance, "Sale or Lease of Public Property." (Steinberg)

R5F **1st Rdg**, Parking Pedestal Design Requirements. **5/7**

R5G **1st Rdg**, Newsracks Ordinance Amendment.

R7A **10:30 a.m.** Waive Bid, Renovation/Relocation Projects in 777-17th Street. **5/7**

R7B Approve City's Federal Legislative Agenda for 2006-2007 Congressional Session.

R7C **4:45 p.m.** Waive Bid, 3-Yr Towing Permit w/ Beach Towing & Tremont Towing Services. **5/7**

R7D Amend Design Build Agreement, 7th & 8th Street Corridor Infrastructure Improvements.

R7E **10:45 a.m.** Amend Beachfront Concession Agreement w/ Boucher Brothers.

R9A **11:30 a.m.** Board & Committee Appointments.

R9A1 **11:30 a.m.** Board & Committee Appointments - City Commission Appointments.

R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.

R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.

R9C Discuss Lack of Resident Awareness of Open Permits on Buildings & Homes. (Libbin)

R9D Discuss Donating Surplus Police Equipment to Dominican Republic Police Dept. (Cruz)

A City Attorney's Status Report.

B Parking Status Report.

C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.

D Status Report: Construction of Fire Station No. 4.

E Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

F1 Minutes: Performing Arts Center Trust Board Meeting on November 8, 2005. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

3A Ratify Settlement Agreement w/ Tower Group, Regional Library Project.

Meeting called to order at 9:16:43 a.m.

Pledge of Allegiance led by Chief De Lucca.

Invocation given by Robert Parcher, City Clerk.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials: Additional Information/Resolution

R5E (Additional Information), R7B (Additional Information), R9C (Additional Information)

Presentations and Awards**9:45:48 a.m.**

PA1 Certificates Of Appreciation To Be Presented To Dr. Abraham Lavender, Robert Reilly, Carolyn Klepser And Seth Bramson For Their Dedicated Efforts To Preserve The Historical Archives.
(Requested by Mayor David Dermer)

ACTION: Certificates presented.

Mayor Dermer stated that the City has had an ongoing process in an effort to catalog Miami Beach's history. He commended the City Clerk's Office, Bob Parcher, City Clerk, Liliam Hatfield and everyone involved in this project for this wonderful work. He added that the way in which this is presented, through those active in the Historical Association is an interesting fashion. The City has evolved and gone through many cycles and because of the efforts made we can learn how things were handled then and learn from previous mistakes and successes. He added that long-time resident Robert Reilly and his family are also being honored today for the contributions made to this community and for his efforts in preserving historic memorabilia.

Dr. Abraham Lavender stated that he had the pleasure of meeting Mr. Reilly, who has lived in Miami Beach for 83 years. Mr. Reilly has a wealth of information about the City's history and has acquired many historical photographs throughout the years, and through his contributions and interviews with him we can learn about the history of Miami Beach.

Robert Reilly spoke.

Mr. Seth Bramson stated that he is a senior collector of Miami memorabilia, including Miami Beach, and he has the largest private collection in America. He added that he was fortunate enough, through Claude Renshaw, to clean out the files at Old City Hall, otherwise those records and photographs would have been destroyed. He has been collecting for 49 years and invited everyone to visit him to view his collections first hand.

Carolyn Klepser stated that she is honored to be the quasi-official City's historian. She also commended the Building Department for their efforts in reorganizing the records in terms of building permits and original blueprints in microfilm.

Commissioner Garcia commended Liliam Hatfield, Office Associate V, City Clerk's Office, for compiling the information provided under the leadership of Robert Parcher, City Clerk. He further asked Dr. Lavender to provide additional information on the Miami Beach Historical Association.

Dr. Lavender, founder and president of the Miami Beach Historical Association, explained that the association's goal through educational functions in the City is to encourage the City to preserve its historical archives and publicize the City's history.

NEW ITEM

Vice-Mayor Steinberg recognized Councilmember Gail D. Serota from the Village of Pinecrest and thanked her for her presence in the audience.

NEW ITEM

Commissioner Garcia recognized former City Commissioner from the City of Miami Willie Gort and former City of Miami Beach Commissioner Nancy Liebman.

9:18:15 a.m.

PA2 Certificates Of Appreciation To Be Presented To The City Of Miami Beach Public Safety Staff That Assisted In The Search And Rescue On December 19, 2005, Airplane Crash At Government Cut.
(Requested by Vice-Mayor Richard Steinberg)

ACTION: Certificates presented.

Ocean Rescue Staff:

Division Chief Vincent Andreano – IC, Operations Supervisor Hank Oppenborn – IC, Lt. Joe Rodriguez – Rescue Paddle Board/ Supervisor in water, Lt. Gerry Falconer – Zone Lieutenant/ First Supervisor on scene, LII. Adam Stanions – Rescue Paddle Board, LII. Zane Hobbs – Rescue Boat Crew, LII. Bob Miles – PWC Operator, LII. Alex Anzorandia – Rescue Boat Captain, LII. Donald Hornby – PWC Crew, LI. Don Shupert – Rescue Paddle Board, LI. Carlos Lezcano – PWC Operator, LI. Ariel Portilla – PWC Operator, LI. Brian Welsh – Rescue Paddle Board, and LI. Lucas Bocanegra – PWC Crew.

Miami Beach Fire Department

Incident Commander Acting Division Chief Tom Columbano.

Engine 1: Lt. Tim Trout - Treatment Sector, F2 Mike Lynch – Diver, F1 Marlenis Smart - Treatment Sector, and F1 Dwight Nicholas - Treatment Sector.

Ladder 1: Acting Captain Charlie Brown -Water Operations Command, F2 Pat Huddleston - Water Operations Support, F1 Ruben Rayneri - Water Operations Support, and F1 Teddy Cook III - Diver

Rescue 1: F2 John Randolph – Diver, F1 Denny Bodden – Diver, and F1 Dan Lubinsky - Water Operations Support,

Rescue 11 Treatment Sector: F2 Don Sapp, F1 Ken Readon, and F1 Diego Lugo

Engine 2 Diver Support and Logistics: Lt. Steve Hofmann, F2 Isabel Ochoa, F1 Richard Zalewski, and F1 Alan Ortega.

Rescue 2 Coast Guard Sector Operations: F2 Jim Aiello, F1 Bill Robinette, and F1 Robert Voss.

Rescue 22 Coast Guard Sector Operations: F2 Ted Pratt, F1 Robert Bergens, and F1 John Cowart.

Miami Beach Police Department

Patrol Division Personnel: Division Chief John Dicenso, Captain Lynda Veski, Captain James Cumming, Captain Rich Pelosi, Lt. Bambis, Lt. Gullage, Lt. Riley, Lt. Weaver, Sgt. Acosta, Sgt. Roberts, Sgt. Roll, Sgt. Twist, Sgt. Yero, J., Officer Anderson, Officer Bauer, Officer Bello, Officer Blitch, Officer Canete, Officer Casas, Officer Chambers, Officer Cruz, Officer Cubides, Officer Doty, Officer Estopinan, Officer Feigenblatt, Officer Garcia, S., Officer Graham, C., Officer Graham, K., Officer Guerrero, Officer Gutiérrez, and Officer Hackworth.

Vice-Mayor Steinberg explained that the airplane crash two weeks ago off the City's shores highlighted how well the City responds to emergencies. He added that particularly the Ocean Rescue, Fire and Police personnel responded within two minutes of the incident. He explained that their jobs frequently save lives but unfortunately they were unable to do so during this tragic accident.

A video of Channel 6 newscast was played.

Mayor David Dermer thanked the staff involved for responding so quickly and recognized the entire staff from the Police, Fire and Ocean Rescue Departments for a job well done.

Jorge Gonzalez, City Manager, commended all of the members of the Fire, Ocean Rescue and Police Departments and added that this was a team effort from the dispatchers at 911 to Tom Columbano, Incident Commander from the Fire Department, to all the emergency responders from Ocean Rescue and Fire. He added that this incident was a textbook incident processing; unfortunately they were not able to save lives, but would there had been lives to be saved, they would have done so without regard to their own safety. He commended them for the job they do everyday and added that these employees are a true testament to the City of Miami Beach and what we are as a community.

Commissioner Libbin pointed out that this incident underscores the huge responsibility that the City's safety personnel have, and recognized and thanked the staff for their services every single day.

Mayor Dermer introduced Miami-Dade County Commissioner Sally Heyman who stated that the first response team demonstrated exactly what they are trained for and thanked them on behalf of Miami-Dade County.

9:38:35 a.m.

PA3 Certificate Of Appreciation To Be Presented To Mr. Peter Loftin For Offering And Donating Casa "Casuarina," As A Venue In Effort To Help Raise Funds For Various Charitable Events.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented.

Commissioner Bower stated that Peter Loftin purchased Casa "Casuarina" as it is called now, and has accomplished what the preservationists wanted to happen. She stated that Peter did a wonderful job because Casa "Casuarina" is alive and thriving and he has brought a lot of first-class worldwide businesses to Ocean Drive. He also gives generously to various charities. She presented Peter Loftin with a Certificate of Appreciation for having the vision to make Casa "Casuarina" a world class place.

Commissioner Cruz stated that what people don't know is that Pete Loftin had a life before arriving to Miami Beach. He is from Raleigh, North Carolina, and he had the pleasure of meeting him when he first came to Florida. He stated that Peter is a self-made man; he began sweeping floors and became the founder of the largest employer in North Carolina, BTI. He also donated to the City their Convention Center. He helped foster numerous charities, as he does here. The entire community is proud to have him here.

Commissioner Garcia stated that the City owes Peter a big "thank you" and an apology for the hard time the City gave him.

Peter Loftin stated that this is a great diverse community and he is very proud to be a member of it. He thanked the City Commission for the job they do for the residents.

9:35:00 a.m.**New Item**

PA4 Proclamation proclaiming January 2006 as American Jewish History Month
(Requested by Vice-Mayor Steinberg)

ACTION: Proclamation presented.

Vice-Mayor Steinberg stated that this year American Jewish History Month is celebrated nationwide. He recognized the Jewish Museum based on Miami Beach and Congresswoman Debbie Wasserman Schultz for making this possible. He stated that the City Commission is proud to proclaim the month of January as American Jewish History Month. He explained that Jewish-Americans have been in the State of Florida since 1763 and in Miami Beach since 1913. Since then there have been a number of judges, City Commissioners and 15 Jewish Mayors.

Marcia Kerstein Zerivitz, Founding Executive Director/Chief Curator, Jewish Museum of Florida, spoke.

Commissioner Garcia recognized Helene Dubbin for her job as past president of the Jewish Museum.

9:30:52 a.m.**New Item**

PA5 Certificate of Appreciation presented to Tom Columbano, for his rescue efforts during the Chalks airplane tragedy.
(Requested by Commissioner Garcia)

ACTION: Certificate presented.

Commissioner Garcia stated that even though there were no lives saved after this tragic accident, there were many heroes. He explained that Captain Columbano, a 26-year old veteran of the Fire Department, was "the one pulling the strings" behind the scenes. He recognized him for being level headed and for his dedication. He added that Jorge Gonzalez, City Manager, Fire Chief Floyd Jordan and Police Chief Don De Lucca were able to speak to the media because Captain Columbano was in charge of the incident. He also commended Incident Commanders Police Captain Veski and Major DiCenso.

Fire Captain Columbano added that the cooperation and teamwork of all agencies involved was outstanding.

9:54:23 a.m.**New Item**

PA6 Certificate Of Appreciation Presented To The Miami Arts Committee For Their Promotion And Preservation Of Miami Modern Architecture.
(Requested by Commissioner Libbin)

ACTION: Certificate presented.

Commissioner Libbin stated that the City is celebrating Art Deco Weekend and Miami Modern Architecture. A group of individual residents "The Urban Arts Committee" created a photo exhibit beginning in 2000 and over a period of a year assembled a collection of photos, which were exhibited at The Seymour Hotel and at the Arts Society in New York. It has also been exhibited at airports in Miami, Fort Lauderdale and Tallahassee.

Don Worth gave special thanks to Terry D'Amico, Randall Robinson, Arthur Marcos, Robin Hill, Clotilde Luce, Nina Worth, George Neary, Leonard Wien, and Nancy Liebman.

Leonard Wien added that a new project is the Miami Shanghai Architecture and Design Project, which is an exchange project between two international flamboyant oriented cities, Miami Beach and Shanghai, China; the theme being East meets West.

Commissioner Gross stated that members of this group were also involved in another project, the 14th street bathrooms, which have turned out to be one of the architectural gems of our City.

10:03:52 a.m.**New Item**

Jorge Gonzalez, City Manager, explained that one of the items identified through the community survey that needed immediate attention was the communication, especially as to what is going on in the City and as a result, during last year's budget process, the City Commission approved the creation of a more enhanced mechanism that the newsletter that was sent through the Utility Billing system. The "MB Magazine" was launched in December; this is a bi-monthly, bilingual color publication, sent to every household on Miami Beach via direct mail, along with the Parks and Recreation Review guide. In order to make the magazine interactive, a contest to identify the picture on the cover was held. He added that the photo on the cover for this edition is located at the Bass Museum and it is a bronze statue called "War Giro" by Carlos Luna. There were a number of people who correctly identified the picture. The contest will be done publicly and the winner will receive a gift bag which includes parking cards, etc.

The names of the all the individuals who correctly identified the picture were placed in a bowl. Commissioner Cruz drew the name of Daniel Sommer from the bowl.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase From Freightliner Of South Florida, In The Amount Of \$133,404, One (1) 2007 Thomas 47 Capacity Conventional School Bus, And One (1) 2007 Thomas 47 Capacity Conventional School Bus With Rear ADA Compliant Lift, Pursuant To Florida Department Of Education Contract No. 2005-15.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2B Request For Approval To Reject All Bids Received In Response To Invitation To Bid No. 01-05/06, For The Purchase Of Litter Control Services.

(Public Works)

ACTION: Award authorized. Gus Lopez to notify bidders.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - The Jewish Museum's Request For A \$500,000 Grant From The City To Help Fund The Renovation Of Their Recently Acquired Building.
(Requested by Commissioner Saul Gross)

ACTION: Referred. Patricia Walker to place on the committee agenda. Hilda Fernandez to handle.

- C4B Referral To The Neighborhoods/Community Affairs Committee - Proposed Land Exchange Of Miami Beach Housing Authority 17th Street Site For City-Owned West Lots On Collins Avenue.
(City Manager's Office)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Tim Hemstreet to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Discussion Of Issuance Of An RFQ For Feasibility Study Of Underground Utilities In The City Of Miami Beach.
(Requested by Vice-Mayor Richard L. Steinberg)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

- C4D Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Allowing Dogs To Use The Beach For Swimming, North Of The South Pointe Pier.
(Requested by Commissioner Saul Gross)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle.

C4E Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Sexual Predator Ordinance Issue.

(Requested by Commissioner Saul Gross)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Chief De Lucca to handle.

City Clerk's note: Letter from Murray H. Dubbin, City Attorney, to Commissioner Saul Gross, dated December 15, 2005 regarding Rental to Sexual Predators – County and City Ordinances

C4F Referral To The Neighborhoods/Community Affairs Committee And The Finance And Citywide Projects Committee A Discussion Item Regarding The Issuance Of A New Request For Proposals For The Management And Operation Of 1) Green (Farmers) Market On Lincoln Road; 2) Street Market On Espanola Way; 3) Street Market In Normandy Village; And 4) Antique And Collectibles Market On Lincoln Road.

(Asset Management)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Joe Damien to handle.

C6 - Commission Committee Reports

10:08:44 a.m.

C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On November 29, 2005: **1)** Discussion Regarding An Ordinance Revising The Regulation And Administration Of Newspaper Racks; **2)** Report On Pilot Program To Allow Dogs On The Beachwalk; And **3)** Discussion Regarding The One-Way Feasibility Study Of Harding Avenue From 69th Street To 72nd Street.

ACTION: Item separated for discussion by Commissioner Gross to notify to the public about the problems encountered with dogs on the beachwalk (Item No. 2). Report accepted without objection.

Item No. 1:

This item is returning to the committee six months after the City Commission adopted the ordinance regulating newsracks to review and discuss problems resulting from the revisions. The following items were identified by the publishers and the City as issues that needed to be revisited:

- a. Should the City be allowed to immediately remove non-permitted newsracks owned by non-registered publishers from the right-of-way?

The committee moved to approve the staff recommendation to amend the ordinance to allow for the immediate removal of non-permitted newsracks placed on the right-of-way by non-registered publishers.

- b. should the annual fee for renewing newsrack permits be lowered?

The committee moved to lower the annual fee from \$35.00 to \$25.00 with the understanding that the idea is not to generate revenue but to pay for the cost of administration and enforcement and will be reviewed after one year.

- c. Should the ordinance be revised to allow graphic publication identification decals on the back of newsracks?

The committee moved to approve the staff recommendation to leave the specifications for decals on the newsracks as contained in the ordinance unchanged as the original intent was to present a clean, uncluttered appearance on the newsracks.

City Clerk's Note: See Agenda Item R5G.

Item No. 2:

The Committee moved to notify the neighborhood of the results of the pilot program (see attached) and advise them that the program will be cancelled in 45 days unless there is substantial improvement in people picking up after their dogs and keeping their dogs on their leashes. After the neighborhood has been notified and the 45 day extension has expired, Fred Beckmann, Public Works Director, will bring the item back to the Neighborhoods/Community Affairs Committee with an update. **Fred Beckmann to handle.**

ACTION taken at the January 11, 2006 Commission Meeting on Item No. 2 above.

Commissioner Gross announced that the pilot program allowing dogs on the beachwalk as presented to the Committee is not successful and will be cancelled in 45 days unless there is substantial improvement on the part of the dog owners who are using the beachwalk. The owners are not cleaning up after their dogs and they are not using leashes. He requested the Administration to notify the buildings in the area of the beachwalk of the problems. **Fred Beckmann to handle.**

City Clerk's note: The attachment listed above is a letter from Fred Beckmann, Public Works Director, to Chairman and Members of the Neighborhoods/Community Affairs Committee, dated October 20, 2005, RE: Report on Pilot Program to Allow Dogs on the Beachwalk

Item No. 3:

The committee moved to leave Harding Avenue as is and incorporate the data acquired in this study in a more complex traffic analysis with a much larger picture.

C6B Report Of The Land Use And Development Committee On A December 12, 2005: **1)** Discussion Regarding Jacksonville Barrier Removal Ordinance / ADA Pilot Project.

ACTION:

The Public Works staff provided the Committee with an update on the Jacksonville Barrier-Removal Ordinance/ADA Pilot Project. Contact has been made with several businesses, of which some have agreed to voluntarily undertake barrier removal.

City staff will actively pursue contacting additional businesses with barrier-removal issues in order to set up meetings. Success will be measured in terms of the degree of barrier-removal accomplished by the businesses.

Commissioner Gross suggested contacting another additional eight businesses and that the progress updates could be made by Letter to Commission instead of bringing it back to the Committee meetings.

The sixty day follow-up will be reported to the Committee via memo with copy to the Mayor and other Commissioners. **Fred Beckmann to handle.**

10:29:55 a.m.

C6C Report Of The Finance And Citywide Projects Committee Meeting On December 21, 2005: **1)** Discussion Regarding The City Of Miami Beach And Miami City Ballet Proposed Term Sheet; **2)** Discussion Regarding The Proposed Issuance Of City Of Miami Beach Water And Sewer Bonds; **3)** Discussion Regarding The Internal Audit Plan For Fiscal Year 2005/06; And **4)** Discussion Regarding The Proposed Land Exchange Of City-Owned Property Located At 1833 Bay Road For The Privately-Owned Property Located At 1825 West Avenue.

ACTION: Item No. 1, the Miami City Ballet separated for discussion by Commissioner Cruz.

Item No. 1:

The Committee approved the proposed Term Sheet as amended on December 20, 2005 by the Planning Board.

The Administration was also instructed to bring back to the Committee, in January 2006, a listing of public benefits offered by the Miami City Ballet to residents of the City of Miami Beach. **Patricia Walker to handle.**

ACTION taken at the January 11, 2006 Commission Meeting on Item No. 1 above.

Motion made by Commissioner Gross to accept the report as amended and to refer to the Land Use and Development Committee the issue of what criteria should be in the ordinance to guide the Planning Boarding as required by the City Charter, Section 1.03(b)(3); seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Jorge Gomez to place on the Committee agenda. **Tim Hemstreet and the Legal Department to handle.**

Commissioner Cruz asked for the status of the Ballet regarding the lease agreement.

Jorge Gonzalez, City Manager, stated that Agenda Item C7L set the public hearing for February 8 for the proposed lease agreement and all of the terms and conditions. This item has been approved by the Planning Board with conditions.

Commissioner Cruz stated that one of the conditions which the Commission voted on was to allow a three (3) year waiver of the contribution for capital expenditures of \$90,000 a year. The Planning Board put this back in as a condition. Is this an action the Planning Board can take and can the City Commission take action? The second issue is the naming of the building.

Jorge Gonzalez, City Manager, stated that the naming ordinance may need to be changed similar to the action taken for the naming of the Bass Museum.

Raul Aguila, First Assistant City Attorney, stated that because the Ballet building is going to become a City asset it should comply with the City Ordinance for the naming of public facilities. As the City Manager stated the easiest way is to keep the name is to amend the ordinance to exempt the Miami City Ballet as was done with the Bass Museum and the Garden Center. Regarding the waiver of the first three (3) years of the endowment fund, the Ballet asked that it not be waived but spread out over the initial lease term of 40 years. If the City Commission doesn't agree with the Planning Board's decision and wants to change it back than it should be reported back to the Planning Board because the City Charter requires approve of both the Planning Board and the City Commission.

Jorge Gonzalez, City Manager, stated that when the referendum was passed it called for an ordinance to establish the criteria by which the Planning Board would review such matters. The ordinance has not been created. The ordinance should identify the appropriate criteria that does or does not include the terms of the lease, if the Commission wishes. The issue of what criteria should be in the ordinance to

guide the Planning Boarding was referred to the Land Use and Development Committee. **Jorge Gomez place on the agenda. Jorge Gomez and the Legal Department to work on the ordinance.**

Commissioner Gross stated that to put endowment fund action into perspective, spreading the \$270,000 (\$90,000 X 3 years) spread over 40 years in \$6,500 a year.

Commissioner Libbin stated that the Planning Board also inserted the CPI 3% factor. The Commission did not add this either. The factor compounded over a 90 year lease; the initial 40 years and then the subsequent 10 year terms, potentially could be over a million dollars a year not \$90,000 a year.

Commissioner Gross stated that the minutes of the December 21, 2005 Finance and Citywide Projects Committee meeting need to be amended to reflect the what the Committee did which is that it should be adjusted from time to time based upon the replacement cost of the systems that need to be replaced.

Commissioner Libbin asked if the Commission must accept the Planning Board's recommendations. He stated that as he understands it, the Commission has the option of sending the issue back to the Planning Board with the request to revisit the issue.

Raul Aguila, First Assistant City Attorney, stated that with regard to the \$90,000 the Planning Board was very specific. With regard to the CPI escalator issue the City Commission has more flexibility without taking it back to the Planning Board. The Planning Board stated that they would leave it up the Chief Financial Officer during negotiations to come up with an equitable escalator.

Jorge Gonzalez, City Manager, stated that the intent of endowment is to make sure there is enough money set aside for replacement of major items.

Motion made by Commissioner Gross to accept the report as amended, and with the referral to the Land Use and Development Committee ; Commissioner Cruz; Voice vote: 6-0; absent: Commissioner Garcia.

Item No. 2:

The Committee approved the proposed refinancing of the Series 1995 Water and Sewer Revenue Bonds and the issue of approximately \$9.1 million in new money through a loan agreement with the Gulf Breeze Florida Local Government Loan Program.

The Administration was instructed to return to the Committee with a sequencing schedule of water and sewer projects and a schedule outlining the funds anticipated to be needed in order to complete the capital program. **Patricia Walker to handle.**

Item No. 3:

No Action Necessary.

Item No. 4:

The Committee instructed the Administration to obtain an appraisal which takes into account the value added to the Goldwater assemblage of parcels by obtaining the City-owned property located at 1833 Bay Road.

The Administration was also instructed to hold community meetings in Sunset Harbour and the Flamingo Park area where input from residents could be obtained before bringing the proposed transaction back to the Committee for review. See item C7D.

C6D Report Of The G.O. Bond Oversight Committee Meeting On December 5, 2005: **1)** Contingency Report; **2)** Discussion Items: A. 2006 Meeting Dates; **3)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station No. 4; C. Normandy Isle Park And Pool; And **4)** Informational Item: A. Updated Calendar Of Scheduled Community Meetings.

ACTION: Item separated for discussion by Commissioner Gross. See Item 3C. Report accepted without objection.

Item No. 1:

The Administration informed the Committee that no new change orders had been approved.

Item No. 2:

The 2006 Meeting Dates, as updated from the previous meeting, were accepted.

New Item:

The Administration acknowledged the unpleasant odor as a result of the by-pass pump placed at the **Pump Station at 26th Street**. The smell is a result of the gasses escaping the manhole cover which the pump is connected through. The Administration added that the situation is temporary and will conclude within a month.

The Committee asked about neighborhood specific projects. The Administration explained that Hazen and Sawyer and CIP together were reviewing pricing for **Oceanfront** and **Belle Isle Park** Right-of-Way projects. If the pricing is acceptable, the projects may begin as soon as January, since permitting is concurrently taking place. The Administration continued to explain that at least two more projects, specifically **Normandy Isle** and **LaGorce**, will begin before the end of the year; one as early as the summer. The next two projects planned are **Normandy Shores** and **Nautilus** neighborhoods, but warned difficulty with consulting and regulatory agencies may delay commencement until calendar year 2007.

Item No. 3(A):

The Administration advised the Committee that **Fire Station No. 2** is well on schedule for an early spring completion. The third floor and roof concrete were being poured.

Item No. 3(B):

Fire Station No. 4 was progressing even faster than **Fire Station No. 2**, the Administration informed the Committee, adding that all concrete has been placed, the partitions were being installed and the mechanical was substantially complete.

Item No, 3(C):

The Administration communicated that the park portion of **Normandy Isle Park and Pool** is on schedule. The contractor finished the fence post placement and the sod by the courts and field will be completed by the end of the year, per the contractor. Stucco is now being applied to the fence posts. The building inspection issues will be complete within a couple of weeks, at which time the concrete work on the roof may continue.

Item No. 4:

The updated Calendar of Scheduled Community Meetings was presented but not reviewed.

ACTION taken at the January 11, 2006 Commission Meeting

Commissioner Gross requested that an Informational Status Report on the Normandy Isle Park and Pool be placed on future City Commission Agendas. **Jorge Chartrand to handle. Lilia Cardillo to place on the agenda.**

Jorge Chartrand, CIP Director, gave an oral report on the project. There was discussion regarding

incentives to the contractor to complete the project quicker.

Commissioner Libbin stated that the report alludes to possible delays in Normandy Shore and Nautilus neighborhoods. He stated that when there are issues in any project, there needs to be open communication with the leaders of the neighborhood(s) and with the parties involved. **Jorge Chartrand to handle.**

C7 - Resolutions

- C7A A Resolution Authorizing The Mayor And City Clerk To Execute Two Lease Agreements Between The City Of Miami Beach And The Following Not-For-Profit Cultural Entities: 1) Arts And Business Council Of Miami, Inc., For The Use Of Approximately 280 Square Feet Of Office Space; And 2) Florida Dance Association, Inc., For The Use Of Approximately 560 Square Feet Of Office Space; All In Suite 402 Of The City-Owned Building, Located At 1701 Meridian Avenue, Miami Beach, Florida; Each Lease Agreement For A Term Of Three Hundred Sixty Four (364) Days, Commencing On February 1, 2006, And Ending On January 30, 2007.

(Asset Management)

ACTION: Resolution No. 2006-26086 adopted. Joe Damien to handle.

- C7B A Resolution Approving An Assignment And First Amendment To That Certain Lease Agreement By And Between The City And The Miami Beach Federal Credit Union (MBFCU), Dated July 30, 2003, For The Lease Of Approximately 1350 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Miami Beach, Florida, Which Provides For MBFCU (As Tenant/Assignor) To Assign Its Leasehold Interest To The Dade County Federal Credit Union (As The New Tenant/Assignee); Further Authorizing The Mayor And City Clerk To Execute Same.

(Asset Management)

ACTION: Resolution No. 2006-26087 adopted. Joe Damien to handle.

City Clerk's note: Term 5 years, commencing on the 1st day of February 2006 and ending on 31 January 2011. Agreement shall automatically extend for one additional period of four (4) years and 364 days, provide the tenant is not in default.

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3, In The Amount Of \$73,741, To The Agreement Between The City Of Miami Beach And URS Corporation - Southern, Dated June 27, 2001, To Provide Hydrogeologic Consulting Services For The Preparation Of The Reasonable Assurance Report For The Miami Beach Golf Club Maintenance Building, To Address The Concerns Of The Department Of Environmental Protection (FDEP); Amendment To Be Funded By The 2001 Gulf Breeze Fund Previously Appropriated For The Miami Beach Golf Course, In The Amount Of \$5,349.78; By The Stormwater Fund Previously Appropriated For The Public Works Department Environmental Work, In The Amount Of \$32,837.78; And Appropriating Funding, In The Amount Of \$35,553.44, From The American Golf Settlement.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26088 adopted. Jorge Chartrand to handle.

5:18:25 p.m.

C7D A Resolution Setting A Public Hearing To Obtain Public Comment Regarding The Proposed Sale/Exchange Of City Property, Located At 1833 Bay Road.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Gross who requested the item be heard after 5 p.m. Item referred.

Motion made by Vice-Mayor Steinberg to refer to the Planning Board the issue of limiting the size of a single occupancy in the Light Industrial areas to make sure the projects that are not compatible will not be allowed to happen and to look at a citywide prohibition and the lot aggregation rules; seconded by Commissioner Gross; Voice vote: 7-0. **Jorge Gomez to place on the agenda and to handle.**

Motion made by Vice-Mayor Steinberg to refer to the Planning Board the issue of limiting the size of a single occupancy in the light industrial area; seconded by Commissioner Gross.

Vice-Mayor Steinberg accepted Commissioner Gross amendment to expand the referral instead of just to the Light Industrial area to include the entire City. He also referred the lot aggregation rule to be reviewed by the Planning Board.

Discussion was held on the merits of doing the land swap, the impact of a high intensity business to the neighborhood, and the ability to control the impact of building not only this neighborhood but citywide.

Commissioner Libbin stated that instead of doing the land swap, to look at the possibility of acquiring one additional lot adjacent to the Parking Department maintenance facility. The benefit is freeing up park land at Flamingo Park and moving the Property Management facility to the newly acquired property.

Commissioner Garcia stated that the maintenance facility could be placed by the Par-3 golf course.

Handout or Reference Materials:

1. Memorandum from Jorge Gonzalez, City Manager, to Commissioner Saul Gross dated January 11, 2006, RE: ITE Manual – Trip Generation Formulas.
2. Email from Tim Hemstreet to Jorge Gonzalez dated January 9, 2006 RE: Land Swap.

City Clerk's Note: 15-day Notice and mailer. Thursday - Jan 19 – Neighbors

C7E A Resolution Authorizing The City Manager Or His Designee To Enter Into An Urban And Community Forestry Grant Memorandum Of Agreement With The State Of Florida, Department Of Agriculture And Consumer Services, Division Of Forestry, In An Amount Not To Exceed \$75,000, For Funding For The City's Tree Planting Program; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2006-26090 adopted. Judy Hoanshelt to handle.

- C7F A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Proposals (RFP) No. 37-04/05 For Temporary Personnel Services; Authorizing The Administration To Enter Into Negotiations With Ten (10) Temporary Personnel Agencies; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon The Completion Of Successful Negotiations By The Administration.

(Procurement)

ACTION: Resolution No. 2006-26091 adopted. Mayra Buttacavoli to handle the negotiations and contract administration.

- C7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With The Corradino Group, In The Amount Of \$265,000, For The Preparation Of A Coastal Communities Transportation Master Plan (CCTMP), Utilizing \$111,546 In Metropolitan Planning Organization Grant Funds, And \$163,454 In Concurrency Mitigation Funds, As Previously Appropriated For This Purpose By Resolution No. 2005-25923, Dated June 8, 2005, And Pursuant To Resolution No. 2005-26025, Dated October 19, 2005, Which Authorized Contract Negotiations; And Further Providing That The \$10,000 CCTMP Fund Balance Be Set Aside By The City As Contingency.

(Public Works)

ACTION: Resolution No. 2006-26092 adopted. Fred Beckmann to handle.

City Clerk's Note: Coastal Communities Ventura, Sunny Isles Beach, Bal Harbour Village, Bay Harbor Islands, Surfside, and North Bay Village

- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Non-Exclusive Easement To Florida Power & Light Company (FP&L) For The Provision Of Underground Conduits, Wiring And A Transformer Pad At Maurice Gibb Memorial Park (Formerly Island View Park), Located At Sunset Harbor Drive And 18th Street.

(Public Works)

ACTION: Resolution No. 2006-26093 adopted. Fred Beckmann to handle.

- C7I A Resolution Authorizing The Mayor And City Clerk To Execute A Maintenance Memorandum Of Agreement (MMOA) With The Florida Department Of Transportation (FDOT); Acknowledging The City's Responsibility For The Maintenance Of The Decorative Asphaltic Surfaces In The Pedestrian Crosswalks On Fifth Street, From West Avenue To Collins Avenue, Which Will Be Funded And Constructed By FDOT, At The City's Request, As Part Of FDOT's Resurfacing Project Number 414636-1-52-01.

(Public Works)

ACTION: Resolution No. 2006-26094 adopted. Fred Beckmann to handle.

- C7J A Resolution Authorizing The Appropriation Of An Additional \$101,594 In Concurrency Mitigation Funds To Complete The \$194,732 Funding Packet Needed To Implement A Traffic Signal Improvements Project On Alton Road At 8th, 11th, 15th And 16th Streets; The \$93,138 Fund Balance Being Already Available Pursuant To Resolution No. 2002-24796, Dated March 20, 2002, Which Appropriated Florida Department Of Transportation (FDOT) Grant Funds Matched By City Funds For The Purpose; Authorizing The Advancement Of \$194,732 In Concurrency Mitigation Funds For Subsequent, Partly Reimbursement By The \$70,000 In FDOT Grant Funds; And Further Stating That The Project Will Be Implemented Utilizing An Existing Job Order Contracting (JOC) Mechanism Available To The Public Works Department.

(Public Works)

ACTION: Resolution No. 2006-26095 adopted. Patricia Walker to appropriate funds. Fred Beckmann to handle.

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Arts For Learning/Miami, A Not For Profit Corporation Which Is The Only Arts Service Provider Approved By Miami-Dade County Public Schools (MDCPS) To Provide In-School Curriculum Based Arts Education, To Provide After School And Summer Camp Arts Education Programs At Various City Parks, Public Schools, And Day Care Centers (As Shall Be Determined By The City Administration) For The Remainder Of Fiscal Year 2005/2006, In The Amount Of \$50,000, With The Option, At The City's Sole Discretion, To Extend Said Agreement For One Additional Year, Contingent Upon Funding Availability.

(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26096 adopted. Max Sklar to handle.

- C7L A Resolution Setting A Public Hearing For February 8, 2006, To Hear Public Comment Regarding A Proposed Lease Agreement Between The City And Miami City Ballet, Inc., For The Lease Of The Ballet Studio Facility Building, Located At 2200 Liberty Avenue, Miami Beach, Florida; Said Lease Subject To And Contingent Upon The City's Proposed Purchase Of The Ballet Building.

(Finance Department)

ACTION: Resolution No. 2006-26097 adopted. Public Hearing scheduled for February 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

City Clerk's Note: 15-day Notice Thursday - Jan 19 – Neighbors

- C7M A Resolution Approving The Communications Site Lease Agreement With Nextel South Corporation ("Nextel") In The Amount Of Three Thousand Dollars (\$3,000) Per Month, For Approximately Two Thousand Five Hundred (2,500) Square Feet Of Space On The Roof Of The Building Located At 1550 Collins Avenue, Miami Beach, For The Limited Purpose Of Nextel Making Appropriate Engineering And Boundary Surveys, Inspections, And Other Reasonably Necessary Investigations And Signal, Topographical, Geotechnical, Structural And Environmental Tests And Cable Tray, Conduit And Riser Space, And All Other Access And Utility Easements Necessary Or Desirable; Authorizing The Mayor And City Clerk To Execute The Communications Site Lease Agreement Attached Hereto.

(Information Technology)

ACTION: Resolution No. 2006-26098 adopted. Gladys Acosta to handle.

End of Consent Agenda

REGULAR AGENDA**R2 - Competitive Bid Reports****11:16:30 a.m.**

R2A Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, Twenty-Three (23) 2006 Crown Victoria Police Pursuit Vehicles, One (1) 2006 E-350 Cargo Van, Six (6) 2006 E-250 Cargo Vans, Four (4) 2006 E-150 Cargo Vans, Two (2) 2006 Taurus, And Three (3) 2006 F-250 4x2 Crew Cab Pick Up Trucks, From Duval Ford, In The Amount Of \$718,662.00; Twelve (12) 2006 Impala Police Pursuit Vehicles, From Classic Chevrolet, In The Amount Of \$227,467.80; Two (2) 2006 F-150 4x2 Pick Up Trucks, From Don Reid Ford, In The Amount Of \$26,412.30; And Pursuant To State Of Florida Contract No. 070-001-05-1, One (1) 2006 Impala Administrative Vehicle, From Garber Chevrolet, In The Amount Of \$15,563.

(Fleet Management)

ACTION: Award approved. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower. Motion passed without objections. Drew Terpak to handle.

11:16:30 a.m.

R2B Request For Approval To Purchase One (1) 2006 Pierce 100' Aerial Platform On Pierce Dash-2000 Chassis Ladder Truck, From Ten-8 Fire Equipment, Inc., Pursuant To Florida State Contract No. 05-06-0823, In The Amount Of \$870,609.00.

(Fleet Management)

ACTION: Award approved. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg. Motion passed without objections. Drew Terpak to handle.

11:17:30 a.m.**New Item:**

Commissioner Garcia stated that it was brought to his attention that the Police Department had a request in the budget for a Police Incident Command Van, which was deleted from the budget.

Jorge Gonzalez, City Manager, stated that the Administration continues to assess, on a yearly basis, all of the City's need for equipment.

Commissioner Garcia stated that the Command Van the Police Department uses is a 1998 model and it needed a boost to start on that day.

R5 - Ordinances**11:02:47 a.m.**

R5A An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Bicycle Program Coordinator, Case Worker II, Chief Building Code Compliance Officer, Chief Fire Protection Analyst, Community Information Coordinator, Emergency Management Coordinator, Environmental Resources Manager, Film & Event Production Manager, Grants And Operations Administrator, Labor Relations Director, Labor Relations Specialist, Landscape Projects Coordinator, Management Consultant, Media Assistant, Neighborhood Services Projects Administrator, Park Facility Manager, Radio Systems Administrator, Senior Management Consultant, Senior Network Administrator, Senior Systems Analyst, Senior Systems Administrator, Senior Telecommunications Specialist, Systems Administrator, Systems Analyst, Telecommunications Specialist, Traffic Engineer, Transportation Manager, Truancy Prevention Program Coordinator, Urban Forester, And VOIP Network Administrator; Amending The Grades Of The Classifications Of Network Administrator, Procurement Coordinator And Senior Procurement Specialist; Further Providing That The City Manager May Approve A Market Rate Analysis (MRA) Of Up To 20% Above The Maximum Pay Range, In Determining Appropriate Adjustments For Positions That Require Special Skills, Certifications, Or As A Result Of Market Conditions, And Providing That The City Attorney Shall Approve The MRA's, As Set Forth Above, For Attorneys In The Legal Department; Providing For A Repealer, Severability, Effective Date, And Codification.

10:15 a.m. Second Reading, Public Hearing.

(Human Resources)

(First Reading on December 7, 2005)

ACTION: Public Hearing held. **Ordinance No. 2006-3499 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Mayra Diaz Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

11:05:03 a.m.

R5B An Ordinance Amending Miami Beach City Code Chapter 2, Article III, Division 2, Entitled "The Barrier-Free Environment Committee," Section 2-31 Thereof So As To Change The Name Of The Committee From "Barrier-Free Environment Committee" To "Disability Access Committee"; Providing For Repealer; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **10:20 a.m.**

Second Reading, Public Hearing.

(Public Works)

(First Reading on December 7, 2005)

ACTION: Public Hearing held. **Ordinance No. 2006-3500 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

11:06:06 a.m.

R5C DRB Scope and Exemptions

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes; Providing For Repealer, Codification, Severability And An Effective Date. **10:25 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on December 7, 2005)

ACTION: Public Hearing held. **Ordinance No. 2006-3501 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

10:37:31 a.m.

5:06:52 p.m.

5:48:45 p.m.

R5D An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 - 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created; Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. Second Reading, Public Hearing.**

(City Manager's Office)

(First Reading on December 7, 2005)

ACTION: Discussion held. Public Hearing opened and continued to March 8, 2006 at 5:01 p.m. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Robert Middaugh to handle.

10:37:51 a.m.

Kent Harrison Robbins, Esq., representing various condominium associations, requested a deferral of this item due to concerns of changes, deletions and language added to the ordinance that were not approved by the City Commission and without public discussion.

Motion made by Commissioner Gross to give notice of intent to defer the ordinance at the 5:01 p.m. public hearing to a future meeting as requested by Kent Harrison Robbins; seconded by

Commissioner Bower. Discussion continued and no vote taken.

Harold Rosen, Esq., objected to the deferral and stated that since the ordinance is advertised for 5:01 p.m., those who are planning to attend should be allowed to speak at that time.

Commissioner Garcia stated that the public hearing was advertised and should be heard at 5:01 p.m.

Discussion continued.

Commissioner Bower stated that if there was an administrative drafting error where a paragraph was left out, she is in favor of deferring this item at 5:01 p.m. so the City Attorney can review the entire ordinance.

Motion made by Vice-Mayor Steinberg to table the item until 5:01 p.m.; no second offered and the discussion continued.

Mayor Dermer asked the City Attorney if the ordinance is ready to be voted upon as it stands today.

Murray Dubbin, City Attorney, stated that the document in front of the City Commission is not ready, as is, to be voted on.

Discussion continued.

Jorge Gonzalez, City Manager, asked that if the item is coming back at 5:01 p.m., can the Commission request that staff, Mr. Robbins, Mr. Blumberg, and Mr. Polisar go through the four errors which Mr. Robbins identified in the ordinance.

Murray Dubbin, City Attorney, stated that as late as yesterday afternoon the Legal staff and the Administration were working on ordinance language and there are issues that are not totally clear and require direction from the City Commission. He stated that at this time there is a motion on a notice of intent to defer the public hearing at 5:01 p.m. to a future meeting and suggested having both parties available to discuss everyone's concerns and give the Legal Department and the Administration the direction needed to clarify this ordinance.

Motion made by Commissioner Gross of a notice of intent to open and continue the public hearing at 5:01 p.m. to a future meeting, but have the parties discuss their concerns and have the Commission give the direction to the Legal Department and the Administration; seconded by Commissioner Bower; Voice-vote: 7-0.

Mayor Dermer asked Mr. Robbins and Mr. Rosen if they could notify some of the representatives so they know what the intent is.

5:06:47 p.m.

Mayor Dermer explained the reasons for the continuance and stated that discussion will take place but the second reading of the ordinance will not take place today.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, asked if this item is being deferred because of missing language or are there substantive changes to what was approved on first reading.

Murray Dubbin, City Attorney, explained that there were questions raised regarding the use of "may" instead of "shall" and a section of the ordinance that cannot be understood and conflicts with another section of the ordinance. He did not know if there are any philosophical disagreements. One of the purposes of the meeting today is to give direction to the Legal Department and the Administration.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, expressed being in favor of the deferral as long as the substance of the final ordinance does not change.

Commissioner Libbin suggested discussing the issues today to clarify the City Commission's intent so the Legal Department and the Administration are clear.

Henry Stolar spoke.

Mayor Dermer and Commissioner Bower asked if the ordinance is ready to be voted on today.

Murray Dubbin, City Attorney, stated that Mr. Robbins raised the question as to the absence of language authorizing the bringing of a nuisance suit. He stated that the language was not omitted and that the language in question is already part of the City Code. Secondly, in Agenda Review questions were raised as to the language on Page 332, under the warning section, (b)(1), second line reads: the inspector "may" first issue an oral courtesy warning. The question was raised as to whether the word "may" should have been "shall." He requested direction on this issue and stated that there are other items that need direction.

Mayor Dermer explained that a hearing will be held today but there will not be a final vote on the ordinance today.

Jorge Gonzalez, City Manager, stated that he doesn't know what Mr. Robbins' issues are but he has three issues which need to be addressed.

This item was deferred to later in the meeting to hear Agenda Item C7D.

5:48:45 p.m.

Mayor Dermer stated that there will not be a vote on the ordinance at this meeting. The purpose of this hearing is to try to make sure the sentiment of the Commission is properly incorporated into the ordinance.

Jorge Gonzalez, City Manager, stated that the ordinance labeled Alternative A on page 322 of the Agenda is the ordinance being discussed. He also stated that the ordinance is inappropriately titled as Noise Engineer Provision Deleted, when in fact the noise engineer is included.

Question No. 1:

Even though the Commission voted to delete the noise engineer provision, some Commissioners asked to revisit the topic. The Administration needs direction on whether the provision should or should not be included in the ordinance.

Commissioner Gross recommended not having a noise engineer provision. He stated that businesses need to be told to do whatever is necessary to control the noise.

Commissioner Libbin suggested a counter proposal to allow for a sound engineer only once, but not after the second written warning (before the third warning). After the second warning the business should realize they have a problem which needs to be corrected.

Jorge Gonzalez, City Manager, clarified that the noise engineer is an option up to the third warning.

Discussion continued.

Commissioner Gross stated that he would support three warnings in a residential neighborhood; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and

Commissioners Cruz, Garcia and Libbin. Motion failed.

Discussion continued.

Commissioner Gross proposed four warnings in a residential neighborhood; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and Commissioners Cruz, Garcia and Libbin. Motion failed.

Commissioner Libbin suggested five warnings.

Motion made by Commissioner Gross not to have the noise engineer option; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Garcia.

Jorge Gonzalez, City Manager, stated that the noise engineer section will be deleted.

Question No. 2:

Jorge Gonzalez, City Manager, reviewed the language on page 332 of the Agenda, regarding oral courtesy warnings; "...without a complaint having been made, the inspector may first issue an oral courtesy warning...." Commission direction is needed to address whether the intent was to be "may" or "shall." He advised using "may" because it gives the code officer the discretion necessary to exercise due diligence.

Mayor Dermer asked if anyone objected to "may" instead of "shall."

Commissioner Libbin stated that at the last meeting it was stated that the Commission wanted the code compliance officer to be directed by the Administration to issue the oral warning if there was no complaint, however, the "may" should be used when the noise is obviously excessive and/or blatant that the code compliance officer should issue a written warning.

Mayor Dermer stated that the word "may" will be used without objection.

Jorge Gonzalez, City Manager, stated that if the noise is blatant or frequent the code officer will have the ability to issue immediately a violation or a written warning. Also the courtesy notices will only be issued once per day, per location, as are the written warnings.

Commissioner Libbin stated that the City is looking for compliance.

Question No. 3

Jorge Gonzalez, City Manager, stated that there is an issue with treatment of noise to the east. From an Administrative perspective, in the first Commission vote, there were certain limitations along the eastern boundary of the City that would have noise to the east not regarded as unnecessarily loud and others that would not have noise to the east regarded as unnecessarily loud. The recommendation from the Legal Department is that enforcement needs to be consistent for the entire City. As long as there is no building to the east of an establishment, facing the water, the ordinance will be enforced to the east as if noise is considered not to be a violation of the ordinance.

Commissioner Bower gave the example of events which are held in Lummus Park and asked how noise will be enforced to the east. She also asked for clarification on what does it mean that noise will not be measured to the east.

Commissioner Gross stated that the noise will still be regulated to the north, south or the west.

Commissioner Bower also stated that sometimes events are held on the beach and language should be

added to the ordinance to be able to regulate noise to the east during special events. She also asked how the City can enact an ordinance which is less stringent, by excluding the regulation of noise to the east amendment, than the Miami-Dade County Ordinance.

Murray Dubbin, City Attorney, explained that the enforcement of the Miami-Dade County Code, as far as noise violations are concerned, falls under the general provisions of the County Code in that it shall prevail over less stringent provisions of municipal ordinances, and the County Code basically sets minimum standards. Commissioner Bower is concerned that by eliminating the regulation to the east of the noise making facilities that is creating a less stringent provision and may be trumped by the County Code. However, the Legal Department is proceeding on the assumption that the City Commission is making a finding that the noise to the east, where no buildings are to the east, is acceptable. The Legal Department feels that if there is an attack on this ordinance, it can be successfully defended.

Commissioner Gross, regarding section 46-157(11), page 331 in the Agenda, has a problem with the language "on the adjacent property" because the sound will flair out at an angle. He is concerned that any loud noise may be heard from property which is not the adjacent property. He stated that the building does not have to be adjacent and suggested removing the word "adjacent" and also the words "any lateral property."

Murray Dubbin, City Attorney, stated that the word "adjacent" be replaced with "on any property to the east."

Commissioner Gross stated that in that same paragraph the words, "and any lateral property" also needs to be stricken. He stated that he would get with Legal to work out the language.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the ordinance will be amended to include language that if noise can be heard from any building to the east it is a violation. He also asked about an exception for special events held in Lummus Park which Commissioner Bower raised.

Commissioner Bower stated that Art Deco Weekend is loud as was the Luciano Pavarotti Concert. She is more concerned about the quieter events, but this will be worked out.

Kent Harrison Robbins, Esq., stated that his concerns are the written warnings and the major event periods. He stated that language was inserted specifying that the major event periods in which there could be additional warning, over and above the six, for those event periods as designated annually by the City Manager. He stated that the language "by the City Manager" was inserted subsequent to the last hearing.

Jorge Gonzalez, City Manager, stated that for major events, this has always been the case.

Mayor Dermer stated that without objection it is the intent of the City Commission that the City Manager or his designee is the designated official to specify major events periods for noise warning purposes.

Kent Harrison Robbins, Esq., stated that language was deleted regarding the determination of when an inspector shall not issue a warning and instead issue a notice of violation. He stated that the third criteria was "at any time during one year is guilty of a violation," they lose the right to additional warnings.

Jorge Gonzalez, City Manager, stated that direction was given by the City Commission that if all of the warnings were not used up and a violation is issued, the remainder of the warnings can still be used.

Discussion continued.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, spoke.

David Wallack, owner of Mango's Tropical Café, spoke.

Commissioner Bower stated that the residents need to know how to make a noise complaint. She suggested that the ordinance contain language explaining who and where to complaint and there should be a direct line for residents to call.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, spoke.

Steve Polisar, Chairman of the Nightlife Task Force, spoke.

Kent Harrison Robbins, Esq. stated that the 46-158(b) (2) ".....Failure to correct the violation within fifteen minutes following the issuance of a warning, shall result in the issuance of a notice of violations pursuant to this Article." is not clear. He asked if this is a written warning or an oral warning.

Commissioner Bower requested clarification and asked if a courtesy notice, a warning, and a violation can be issued, on the same day. On a different day they start with a warning again, and get a violation. She also asked if a courtesy warning is given, does it have to be written to track it. If it is not written down, what proof is there that a courtesy notice was issued?

Vice-Mayor Steinberg stated that since the Commission already voted in the warnings section to leave the "may" versus "shall", it is not relevant. The fact that someone goes before the Special Master and states that they never received a courtesy warning is irrelevant because the ordinance states that the inspector "may" issue an oral courtesy notice.

David Wallack, owner of Mango's Tropical Café, spoke.

Commissioner Libbin suggested changing the language in 46-158(b) (2) to "...within fifteen minutes following the issuances of a written warning, shall ...". Add the word written.

Jorge Gonzalez, City Manager, clarified the action, there may be courtesy warnings that are not written, non-complaint driven, if within 15 minutes compliance is not achieved, the inspector will write a written warning, and if within 15 minutes of the written warning there is not compliance a violation will be issued within a day period. There will be one warning per day issued and one courtesy per day.

Commissioner Bower again asked for clarification. If a warning is given, and the first violation is given because of lack of compliance and one hour later the violation still exists, another violation is written.

Kent Robbins, Esq., suggested that instead of "per day" it should be "within a 24 hour period."

Jorge Gonzalez, City Manager, requested that it stay "per day."

Commissioner Bower stated that the "per day" is not fair.

Mayor Dermer stated that there was agreement to change the "per day" to "within 24 hour period."

Commissioner Cruz asked what the ruling is for special events.

There was a discussion regarding how special events will be handled regarding the noise ordinance.

Commissioner Gross stated that what could be done is if the number of warnings has been exhausted, during the remainder of the year, you don't get any warnings during the major event period. This was agreed to by consensus.

Jorge Gonzalez, City Manager, stated that he wanted to make it clear that those violations count against the escalating fee schedule.

Vice-Mayor Steinberg stated that he believes the sentiment of the majority was that one-freebee per special events period would be given; however, if the six warnings have already been exhausted you don't get the freebee. He also stated that every major event is not a noise generator and every major event is not citywide. In addition, on page 332 in the Agenda (46-158(b)(2)(a), the one year period needs to be clarified. It was not intended to be a calendar year.

Vice-Mayor Steinberg also requested clarification of when the violations reset.

Jorge Gonzalez, City Manager, stated that the question is whether the reset should be on a rolling twelve month period or a fixed twelve month period. The ordinance today resets to zero in twelve months from the first warning.

Commissioner Bower stated that it must be a rolling twelve months.

David Wallack, owner of Mango's Tropical Café, objected to the rolling twelve months.

Jorge Gonzalez, City Manager, stated that as a possible compromise that only the warnings can be reset. There needs to be six warnings before the first violation. If the offender is flagrant enough to get into the violation schedule, then maybe the violations should not be reset.

Commissioner Libbin stated that the whole purpose of the ordinance is to achieve compliance. The idea was that the fines are fairly significant after the first couple of violations and shutting down the outdoor music for a weekend or two, is a significant penalty. He stated that the reset time should be based on one year from the first warning.

Kent Robbins, Esq., stated that this is the central issue of this legislation.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, asked for a one year trial to determine what is good or bad with the ordinance.

Motion made by Vice-Mayor Steinberg to reset warnings and violations on a rolling twelve month period; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Libbin.

Jorge Gonzalez, City Manager, stated that one always measures from the oldest warning and a violation is dropped.

Discussion continued.

Commissioner Garcia stated that the reset would be handled similar to the way driver license violation points are removed.

Commissioner Bower requested that sufficient time be given so everyone will have enough time to review the final draft of the ordinance.

Frank Del Vecchio spoke.

Motion made by Commissioner Gross to exempt the residential zone below 5th Street from the condition that noise to the east is not unnecessarily loud; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and Commissioners Cruz, Garcia and Libbin. Motion failed.

Jorge Gonzalez, City Manager, stated that as of yesterday the legal opinion was that sections of the City cannot be segregated; it must be for the entire beach.

Murray Dubbin, City Attorney, stated that Legal Department's issue is equal protection.

Benita Argos spoke.

Evelyn Dominique spoke.

Judy Claton spoke.

Christine LaBuzetta spoke.

Henry Stolar spoke.

Marco Lara spoke.

Harry Cherry spoke.

Commissioner Bower asked about when a violator is ready to go to the Special Master, if the year rolls over, will the violator, because of timing, still have to go to the Special Master process.

Jorge Gonzalez, City Manager, stated that the rolling warnings are okay to do. It will be hard to get the violations rolling because they escalate. The 5th violation is a different penalty than the 4th violation. To drop the first one and make the 5th violation the 4th is a problem. He suggested making the warnings rolling, but make the violations reset after maybe 36 months.

Morris Sunshine spoke. He stated that since the City Attorney's Office has opined that eastbound noise and immunization against it is lawful he wants to be on the record of objecting. It is not unlawful and it is not exempt. He stated that in the last sentence of 46-157(11) instead of "generated" perhaps it should be "received." He also stated that this ordinance allowing east bound noise may seriously interfere with the Planning Board's right to regulate excessive noise by means of conditional use permits.

Commissioner Bower asked the Legal Department to research. Legal Department to handle.

Richard Harris spoke.

Brad Stevens stated that on New Year's there was suppose to be police presence on two of the intersections that surround the Opium area; however, there was no police patrolling the area. He added that Sunday nights are horrible and explained that especially going from Nikki Beach Club over to Opium is the worst. He stated that police presence is needed. **Chief Delucca to handle.**

Commissioner Cruz stated that this area has been a concern and that they will talk to Chief De Lucca.

Commissioner Bower requested adding language in the ordinance to assist residents on how to file a noise complaint. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, stated that language will be added to facilitate this.

The second reading and public hearing is scheduled for March 8, 2006 at 5:01 p.m.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. 17-page memo from Frank Del Vecchio to City Commission dated Jan. 11, 2006 RE: Jan 11, 2006 Commission Agenda Item R5D: Noise Ordinance: Legally-relevant issues and departures from Dec. 7, 2005

initial city commission vote.

8:20:07 p.m.**Supplemental Material (Additional Information)**

R5E An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **First Reading.**

(Requested by Vice-Mayor Richard L. Steinberg)

ACTION: Ordinance approved on First Reading as amended and referred between first and second reading to the Land Use and Development Committee. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the committee agenda. Tim Hemstreet to handle.

Mayor Dermer was concerned that the action to sell or lease public property requires only one vote of the City Commission. It was agreed that the ordinance should be amended to handle the selling or leasing public property like an ordinance; to have an initial vote and schedule an advertised public hearing for the second vote.

5:04:30 p.m.**R5F Parking Pedestal Design Requirements**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading.

(Planning Department)

(Deferred from December 7, 2005)

ACTION: Item deferred. Motion made by Commissioner Bower to defer the item; seconded by Commissioner Cruz without objection to February 8, 2006. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

12:05:38 p.m.

R5G An Ordinance Amending Chapter 82, Article IV, Division 3, Thereof Entitled "Newsracks" By Amending City Code Section 82-201 Entitled "Notice Of Violation Request For Hearing" By Authorizing The City Manager, Or Designee To Immediately Remove A Non-Permitted Newsrack Belonging To An Unregistered Publisher; Amending Section 82-231 Entitled "Fee Letter Of Compliance Required" Modifying The Procedures And Fees For Registering Newsracks: Providing For Codification; Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **First Reading.**

(Public Works)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for February 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

R7 – Resolutions

11:07:03 a.m.

R7A A Resolution Finding, Pursuant To Section 255.20 (1) (C) (9), Florida Statutes, And Following A Duly Noticed Public Hearing That It Is In The Public's Best Interest To Waive, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Through His Designee, Who Shall Be The City's Property Management Director, A Licensed General Contractor, To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Services Relative To Renovation/Relocation Projects In The 777-17th Street Building And The City Hall Building, Said Projects Having A Total Estimated Value Of \$646,000; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Projects. **10:30 a.m. Public Hearing.**

(Public Works)

ACTION: Public hearing held. Resolution No. 2006-26099 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald.

8:19:45 p.m.

Supplemental Material (Additional Information)

R7B A Resolution Approving The City's Federal Legislative Agenda For The 2006-2007 Congressional Session.

(Economic Development)

ACTION: Resolution No. 2006-26089 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; approved without objection. Kevin Crowder to handle.

5:02:47 p.m.

- R7C A Resolution Waiving By 5/7th Vote, The Competitive Bidding Requirement And Approving A Three (3) Year Towing Permit With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively, Commencing On March 1, 2006 And Expiring On February 28, 2009, With A Renewable Two (2) Year Option Period, At The Sole Discretion Of The City.
(Parking Department)

ACTION: Resolution No. 2006-26100 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 7-0. Saul Frances to handle.

8:29:27 p.m.

- R7D A Resolution Amending An Existing Design Build Agreement With Ric - Man International, Inc., Increasing The Agreement By The Amount Of \$1,642,301.22, To Provide Engineering, Urban Design, And Landscape Architecture For Design, Bid And Award, Construction And Construction Administration Services For The 7th And 8th Street Corridor Infrastructure Improvements To Be Added To The Scope Of Work For The Ongoing Washington Avenue Improvements - Phase II, IV And V Project; Funding Is Available From The Following Previously Appropriated Sources For The Flamingo/Lummus Bid Pack B Of Which The Work Is A Component: \$665,920.28 From The General Obligation Bond (Fund No. 384); \$671,690.13 From The 2000 Storm Water Bonds (Fund No. 428); And \$304,690.81 From The 2000 Water And Sewer Bonds (Fund No. 424).
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26101 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Jorge Chartrand to handle.

11:19:22 a.m.

- R7E A Resolution Approving An Amendment To That Certain Amended And Restated Beachfront Concession Agreement By And Between The City And Boucher Brothers Miami Beach, LLC For The Operation And Management Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace, And North Shore Open Space Park; Said Amendment Providing For Renewal Of The Agreement For Five (5) Years, Said Renewal Term Commencing On November 5, 2006, And Ending On November 4, 2011; And Providing Further For Certain Value Added Items To Be Provided By Boucher Brothers, At No Additional Cost To The City.
(Asset Management)

ACTION: Resolution No. 2006-26102 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Voice vote: 7-0. Joe Damien to handle.

Joe Damien, Asset Manager, stated that on October 2001 the City Commission approved a concession agreement with the Boucher Brothers to operate beachfront concessions east of Lummus Park, North Shore Open Space Park, and the Ocean Terrace beaches. The item in front of the Commission is to request approval of the five year extension to the contract beginning November 2006. There are additional value items offered to the City by the Boucher Brothers as good business partners and community leaders. They will provide \$5,000 per year for the next five year period for scholarships that are either marine related or for children related activities. He added that the City will have discretion on how the funds will be disbursed. In addition, they are also offering another \$5,000 per year for the next five years for environmental or philanthropic type programs again, at the City's sole discretion.

Daniel Veitia, President Elect of the North Beach Development Corporation (NBDC) board, stated that the Boucher Brothers have done a great job in South Beach. He also stated that there is no presence in North Beach area on a regular basis.

Don Worth expressed his concerns with the trailers at 10th Street. He suggested that there should be a low-level fine mechanism. He talked about the concessions in front of the hotel. He is primarily

concerned with the windscreens, which are very large in size, and suggested not to put them all out if they are not in use.

Clotilde Luce complimented the City Commission on passing the 50-50 legislation. She mentioned paying attention to vehicles use on the beach. She distributed pictures of the "shanty" town area, referring to the trailers just north of the 10th Street Auditorium.

Nina Worth asked not to build structures for the trailers but to get rid of them.

Commissioner Bower asked what the issue with the services in North Beach is and asked what is in the contract.

Joe Damien, Asset Manager, explained that the contract requires that services be provided seaward of North Shore Open Space Park and Ocean Terrace, but there was a problem with the beach width due to the erosion and due to regulations with the lifeguard visibility.

Steve Boucher explained that at the Ocean Terrace area they are open Monday, Friday, Saturday, and Sunday. It is very slow during the other days.

Joe Damien, Asset Manager, stated that the contract states that services will be provided seven days a week.

Commissioner Bower suggested that the Administration meet with Mr. Veitia to find a solution to the issue of the Boucher Brothers services in North Beach.

Joe Damien, Asset Manager, stated that the problem is being resolved, and there may be some flexibility required with the lifeguard stands and the services should be up and running. **Joe Damien to handle.**

Commissioner Bower asked about the trailers behind the 10th street auditorium and requested that they be removed as soon as possible. **Joe Damien to handle.**

Steve Boucher stated that the food concession trailers have been there temporarily since the hurricane, and they need a route in order to remove the trailers from the beach.

Harold Rosen, Esq., representing the Boucher Brothers, requested a 60 day period to remove the trailers, but they will try to get it done sooner.

Commissioner Gross asked when the new enforcement person will start enforcing the terms of the contract regarding beach concessions and if they should have some power to fine to ensure compliance.

Joe Damien, Asset Manager, stated that new person will not have code enforcement powers. The person is a contract monitor.

Jorge Gonzalez, City Manager, stated that a fine schedule could be developed and negotiated into the contract, if requested.

Commissioner Gross stated that when the monitor disappears the concessionaires will go back to what they were doing.

Joe Damien, Asset Manager, stated that another option is to amend the Beach Rules and Regulations.

Jorge Gonzalez, City Manager, stated that if a fine schedule is to be implemented it would be better to do it by amending the Beach Rules and Regulations rather than in the contract. At Commissioner Gross' request, he stated that the Administration will work on it.

Commissioner Gross requested including in the Beach Rules and Regulations the issue of the

windscreens. He further asked if the handheld calculators were still part of the contract.

Joe Damien, Asset Manager, stated that if given the opportunity, before the Beach Rules and Regulations are amended, to see what happens with the new contract monitor. He stated that starting this weekend enforcement can be stepped up and within a month will report back to the Commission.

Joe Damien to handle.

Commissioner Gross asked about the handheld devices.

Joe Damien, Asset Manager, stated that the handhelds were originally part of the contract, but the language stated that it was a handheld or an alternate method acceptable to the City. Over the past four years, due to problems with operations of the handheld units on the beach, because of salt water and salt air, they reported that the handhelds were not working, and the alternate method was acceptable to the City and added to the amended contract. The City's auditors are comfortable with the procedure. This alternate method was an agreement which included a set of procedures to review the numbers via a manual system.

Commissioner Gross suggested that since the Boucher Brothers are released from the obligation to make a substantial capital expenditure for the handhelds that they be asked to increase the contribution to Beach charity organizations such as E-Comb or other environmental organizations from \$10,000 to \$25,000.

Steve Boucher explained that their company has spent close to \$45,000 on the units and there is cost in the auditing procedures being used as well.

Ms. Abigail Watts-Fitzgerald, Esq., representing the Boucher Brothers, stated that there are other value items in addition to the two \$5,000 scholarships, one of which has been agreed that E-Comb would be a recipient; they are also purchasing sand sifting equipment and will be hiring people to work at Lummus Park. She added that they also agreed to assist the City by serving as liaison in identifying on a daily basis problems regarding beach cleanliness.

Discussion continued.

Commissioner Garcia stated that the Boucher Brothers have improved beach services and added that the complaint for North Beach is valid but he would not approve adding services if it is at the cost of public safety.

Commissioner Cruz made a motion to approve the contract; seconded by Commissioner Garcia.

He commended the Boucher Brothers for doing an amazing job and added that there are certain things that are out of their control and is unfair to blame them for that.

Commissioner Libbin suggested removing from the table the issue of asking the Boucher Brothers for additional contributions, due to the fact that they voluntarily offered the City \$50,000 and they are also providing additional services. They have done a good job and are good partners. Regarding the lack of sand in the North Shore Open Space Park, he suggested transporting sand from The Mimosa.

Jorge Gonzalez, City Manager, stated that the sand there is earmarked for other beach erosion projects and those projects go through extensive permit reviews at the Federal and State levels. He added that the City is aggressively continuing its efforts to obtain sand through various sources.

Commissioner Gross suggested adding the 29th street to the project, because of severe erosion post hurricane.

Handout or Reference Materials:

1. Three color images of beach concession areas and "shanty town" printed in 8 x 14 paper.
2. Two color images of beach concession areas printed in 8 x10 paper.
3. Nine pages of correspondence from various entities recommending the Boucher Brothers services.

R9 - New Business and Commission Requests

Board And Committee Appointments.

(City Clerk's Office)

ACTION:

Art in Public Places

Diana Star Heller	Term expires 12/31/07	City Commission Appointment	TL 12/09
Heather Urban	Term expires 12/31/07	City Commission Appointment	TL 12/09
Ilija Moss crop	Term expires 12/31/07	City Commission Appointment	TL 12/06

Beach Preservation Committee

Claire Callen	Term expires 12/31/07	Appointed by Commissioner Garcia	TL 12/10
Michael Finesilver	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/13
Matt Krieger	Term expires 12/31/06	Appointed by Commissioner Steinberg	TL 12/13
Sherry Roberts	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/13

Beautification Committee

Josh Bratter	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/12
Dina C. Dissen	Term expires 12/31/06	Appointed by Commissioner Libbin	TL 12/13
Elizabeth Resnick	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/07
Debra Schwartz	Term expires 12/31/07	Appointed by Commissioner Garcia	TL 12/11

Board of Adjustment

Herbert Gopman Engineer	Term expires 12/31/06	City Commission Appointment	TL 12/09
Roberto Sanchez III At-Large	Term expires 12/31/06	City Commission Appointment	TL 12/09
Roberto DaTorre R. E. Dev.	Term expires 12/31/06	City Commission Appointment	TL 12/09
Jason Loeb Gen. Business	Term expires 12/31/06	City Commission Appointment	TL 12/07
David Lancz Law	Term expires 12/31/06	City Commission Appointment	TL 12/10
Seth Frohlich At-Large	Term expires 12/31/06	City Commission Appointment	TL 12/10
Laurence Herrup CPA	Term expires 12/31/06	City Commission Appointment	TL 12/09

Budget Advisory Committee

Jonathan Fryd	Term ending 12/31/07	Appointed by Commissioner Gross	TL
Frank Kruszewski	Term ending 12/31/07	Appointed by Commissioner Steinberg	TL 12/13
Tony Rodriguez, Fin. Advisor	Term expires 12/31/07	City Commission Appointment	TL 12/10
Leonard Wien	Term expires 12/31/07	Appointed by Mayor David Dermer	TL 12/13

Committee on the Homeless

Zeiven Beitchman	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/06
Kenneth Carsto	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/10
Juan Rojas	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/09

Committee for Quality Education in Miami Beach

Beverly Heller	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/07
Marta Montaner	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/10
Kay Pisano	Term expires 12/31/07	Appointed by Commissioner Libbin	TL 12/13

Community Development Advisory Committee

Alexander Annunziato	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/11
Solomon Genet	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/09
Grant Gussin	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/11
Dr. Anthony Japour	Term expires 12/31/07	Appointed by Commissioner Garcia	TL 12/13
Lazaro Martinez	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/09
Keith Menin	Term expires 12/31/06	Appointed by Commissioner Libbin	TL 12/13

Community Relations Board

Laurie K. Davis	Term expires 12/31/06	Appointed by Jorge Gonzalez	TL 12/13
Jacobo Epelbaum	Term expires 12/31/06	Appointed by Jorge Gonzalez	TL 12/13
Robin Lea	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/09

Debarment Committee

Omar Martinez	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/08
Richard Orenstein	Term expires 12/31/06	Appointed by Commissioner Steinberg	TL 12/13

Design Review Board

Alex David	Urban Planner	Term expires 12/31/07	City Commission Appointment	TL 12/10
Michael J. Steffens	Reg. Architect	Term Exp 12/31/07	City Commission Appointment	TL
12/09				
Gabriele Redfern	At-Large	Term expires 12/31/07	City Commission Appointment	TL
12/11				

Fine Arts Board

Judith Kaplan	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/11
Dana Eber Silver	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/08
Marie Towers	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/12

Golf Advisory Board

Andy Moriber	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/13
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Hispanic Affairs Committee

Jeannette Egozi	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/09
Luis Salom	Term expires 12/31/06	Appointed by Mayor Dermer	TL
12/12			

Historic Preservation Board

Allan Hall, Professional/Attorney	Term Exp 12/31/07	City Commission Appointment	TL 12/09
Jean-Francois LeJeune, Professor	Term Exp 12/31/07	City Commission Appointment	TL
12/10			

The Housing Authority are 4-year appointments**Housing Authority**

Maria Gutierrez HA Commissioner	Term Exp 10/11/2009	Appointed by Mayor Dermer	TL
10/11/08			
Steven Chaykin HA Commissioner	Term Exp on 10/11/2009	Appointed by Mayor Dermer	TL
10/11/09			

Marine Authority

Ira Nusbaum	Term expires 12/31/07	Appointed by Commissioner Garcia	TL 12/11
Morris Sunshine (TL 12/06)	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/06

Miami Beach Commission on the Status of Women

Beth Gopman	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/09
Gail Harris	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/07
Jackie Hertz	Term expires 12/31/06	Appointed by Commissioner Cruz	TL 12/13
Gloria Salom	Term expires 12/31/06	Appointed by Mayor Dermer	TL 12/13
Laura Veitia	Term expires 12/31/07	Appointed by Commissioner Libbin	TL 12/13
Dona Zemo	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/09

Miami Beach Cultural Arts Council

Ada Llerandi 12/06	Term expires 12/31/08	City Commission Appointment	TL
Liliam Lopez 12/09	Term expires 12/31/08	City Commission Appointment	TL
Michael McManus 12/08	Term expires 12/31/08	City Commission Appointment	TL
Alfredo Richards 12/09	Term expires 12/31/07	City Commission Appointment	TL
Israel Sands 12/11	Term expires 12/31/07	City Commission Appointment	TL
Ileana Bravo Gordon 12/11	Term expires 12/31/06	City Commission Appointment	TL

Oversight Committee for General Obligation Bond

Christina Cuervo 12/10	Middle Beach	Term expires 12/31/07	City Commission Appointment	TL
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Parks and Recreational Facilities Board

Leslie Graff	Term expires 12/31/06	Appointed by Commissioner Garcia	TL 12/13
Lizette Lopez	Term expires 12/31/07	Appointed by Commissioner Libbin	TL 12/12
Patricia McIsaac 12/09	Term expires 12/31/07	Appointed by Commissioner Gross	TL
Renae Meltzer	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/09

Police/Citizens Relations Committee

Faye Goldin	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/10
Robin Jacobs	Term expires 12/31/06	Appointed by Commissioner Libbin	TL 12/13
Jack Benveniste	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/13
Claire Warren	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/08

Production Industry Council

Cristina LaBuzetta	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/11
Nikos Prantzios	Term expires 12/31/06	Appointed by Mayor Dermer	TL 12/09
Susan Schein	Term expires 12/31/07	Appointed by Commissioner Libbin	TL 12/13

Public Safety Advisory Committee

Francine Liebman	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/12
Scott Robins	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/12
Frank Schwartz	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/10

Safety Committee

Gertrude Arfa	Term expires 12/31/06	Appointed by Commissioner Garcia	TL 12/13
Samantha Bratter	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/11
Benjamin Brody	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/08
Carla DaTorre	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/09
Abraham Lavender	Term expires 12/31/07	Appointed by Mayor Dermer	TL 12/11
Jerry Marsch	Term expires 12/31/06	Appointed by Mayor Dermer	TL 12/13

Transportation and Parking Committee

Alan Fishman	Term expires 12/31/07	Appointed by Commissioner Steinberg	TL 12/10
Tamra Sheffman	Term expires 12/31/07	Appointed by Commissioner Garcia	TL 12/09

Visitors and Convention Authority

Stephen Hertz 12/07	At-large	Term expires 12/31/07	City Commission Appointment	TL
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Leslie Zigel 12/07	At-large	Term expires 12/31/07	City Commission Appointment	TL
Melanie Muss 12/09	Hotel	Term expire 12/31/07	City Commission Appointment	TL
Diego Lowenstein 12/09	Hotel	Term expire 12/31/07	City Commission Appointment	TL
Elsie Howard 12/11	At-large	Term expire 12/31/06	City Commission Appointment	TL

Youth Center Advisory Board

Fortuna Bichachi	Term expires 12/31/07	Appointed by Commissioner Gross	TL 12/11
Dennis Bruce	Term expires 12/31/07	Appointed by Commissioner Bower	TL 12/09
Moni Cohen	Term expires 12/31/07	Appointed by Commissioner Libbin	TL 12/08

R9A1 Board And Committee Appointments - City Commission Appointments.
 (City Clerk's Office)

1. Art in Public Places

ACTION:

Motion made by Commissioner Bower to reappoint Diana Star Heller, Heather Urban and Ilija Mossdrop; seconded by Commissioner Gross. Motion approved without objections.

2. Audit Committee (as determined by the City Commission)

ACTION: Item not reached.

3. Board of Adjustment

ACTION:

Motion made by Commissioner Bower to reappoint Herbert Gopman, Roberto Sanchez III, Roberto Datorre, Jason Loeb, David Lancz, Seth Frohlich and Lawrence Herrup; seconded by Commissioner Garcia; Voice vote: 7-0.

4. Budget Advisory Committee

ACTION:

Motion made by Commissioner Garcia to reappoint Tony Rodriguez; seconded by Commissioner Libbin. Motion approved without objections.

5. Design Review Board

ACTION:

Motion made by Commissioner Bower to re-appoint Michael F. Steffens; seconded by Commissioner Gross; Voice vote: 7-0.

Motion made by Commissioner Libbin to re-appoint Alex David; seconded by Commissioner Bower; Voice vote: 7-0.

At-large Seat

Alfredo Andia and Gabrielle Redfern nominated for the At-large seat: Ballot vote: Gabrielle Redfern received 6 votes, Alfredo Andia received 1 vote.

6. Health Advisory Committee

ACTION: Item not reached.

7. Health Facilities Authority

ACTION: Item not reached.

8. Historic Preservation Board

ACTION:

Motion made by Commissioner Bower to reappoint Allan Hall and Jean-Francois LeJeune; seconded by Commissioner Libbin; Voice vote: 7-0.

9. Miami Beach Cultural Arts Council

ACTION:

Motion made by Commissioner Bower to re-appoint Ada Llerandi, Michael McManus and Liliam Lopez; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0.

Alfredo Richards, Israel Sands, Ileana Bravo-Gordon, Solomon Genet, and Marina Kessler were nominated. Ballot vote: Alfredo Richards received 6 votes for a term ending 12/31/07 and a term limit of 12/31/09; Israel Sands received 5 votes for a term ending 12/31/07; Ileana Bravo-Gordon received 4 votes for a term ending 12/31/06; Solomon Genet received 3 votes – not appointed; and Marina Kessler received 3 votes – not appointed.

10. Oversight Committee for General Obligation Bond

ACTION:

Motion made by Commissioner Cruz to move Christina Cuervo from North Beach representative to the Middle Beach representative; seconded by Commissioner Bower. Motion passed without objections.

11. Personnel Board

ACTION: Item not reached.

12. Planning Board

ACTION:

Motion made by Commissioner Bower to re-appoint Marlo Courtney, Theodore Berman, Roberto Sanchez, and Joy Malakoff; seconded by Commissioner Cruz; Voice vote: 4-3; Opposed: Vice-Mayor Steinberg, Commissioners Garcia and Gross.

Motion made by Commissioner Cruz to reconsider was approved without objection. No action taken.

13. Visitors and Convention Authority

ACTION:

Motion made by Commissioner Bower to reappoint Stephen Hertz, Leslie Zigel, Melanie Muss and Diego Lowenstein; seconded by Vice-Mayor Steinberg. Motion passed without objections.

Motion made by Commissioner Cruz to reconsider previous motion; seconded by Commissioner Libbin; Voice vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Bower.

Motion made by Commissioner Gross to re-appoint Melanie Muss – Hotel and Diego Lowenstein – Hotel; seconded by Commissioner Bower; Voice vote: 7-0.

Motion by Vice-Mayor Steinberg to re-appoint Stephen Hertz – At-Large and Leslie Zigel – At-Large; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Cruz and Libbin.

Keith Menin, Elsie Howard, and Joe Fontana were nominated

Ballot vote # 1: Elsie Howard received 3 votes, Keith Menin and Joe Fontana each received 2 votes.

Ballot vote # 2: Elsie Howard received 4 votes, Keith Menin received 2 votes and Joe Fontana received 1 vote. Elsie Howard appointed for a term ending 12/31/06.

14 Housing Authority

Mayor Dermer recommended reappointing Maria Beatriz Gutierrez and Steven Chaykin. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0.

Handout or Reference Materials:

1. Two sets of ballots VCA #1 and VCA #2
2. One set of ballots, At-Large, DRB
3. One set of ballots, CAC

New Item:**4:58:04 p.m.**

Commissioner Libbin stated that certain boards are "power boards" (Land Use Boards) and members revolve between the Land Use Boards for years. He suggested considering that there should be a requirement for members to step off a board for a minimum of one or two years before they are appointed to another "power board."

Motion made by Commissioner Libbin to refer to the Land Use and Development Committee the issue of requiring term limited members of Land Use Board to not be eligible for re-appointment to another Land Use Board for a period of one or two years. Motion passed without objections. **Jorge Gomez to place on the committee agenda and to handle.**

Commissioner Libbin also would like to consider another Board And Committee Review Committee to review the current board structure.

Mayor Dermer suggested that Commissioner Libbin meet with Jorge Gonzalez, City Manager, to review the committees and request changes necessary.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No Speakers

8:30:41 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

1. Gerald Tepler spoke on the problems he has encountered in remodeling his home at 4465 Michigan Avenue.

Jorge Gonzalez, City Manager, suggested that Mr. Tepler take his plans to the Design Review Board, have them review the plans and he has the option to appeal the order of the Design Review Board in front of the City Commission.

Commissioner Garcia requested that the City Manager assign a member of staff to be a facilitator for Mr. Tepler during this process.

Jorge Gonzalez, City Manager, stated that staff will investigate, gather all the facts and he will assign the right person to help Mr. Tepler.

Commissioner Garcia requested that Mr. Tepler keep him informed.

2. Commissioner Garcia stated that he received a call from members of the Executive Board at the Castle Beach; they have control of the building. He asked the Acting Building Director if he knew why their plans have been stopped because of something to do with asbestos.

Hamid Dolikhani, Acting Building Director, stated that they have not applied for anything and that the City has waived the fees for copies of plans. They obtained copies of the microfilmed plans and he was instructed to waive the fees for the copies of the plans.

Commissioner Bower stated that City staff has been working very diligently and as fast as possible but Castle Beach has not applied for any permits.

Commissioner Gross stated that sometimes people receive misinformation or are misled by contractors and it is not always the Building Department's fault.

Hamid Dolikhani, Acting Building Director, stated that asbestos is a requirement of Miami-Dade County DERM, that when they do apply they need to present a copy of the survey to Miami-Dade County DERM in reference to the asbestos. If the survey shows no asbestos they do not go to Miami-Dade County.

8:56:49 p.m.

Supplemental Material (Additional Information)

R9C Discussion Regarding The Lack Of Resident Awareness Of Open Permits On Buildings And Homes.
(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held.

Commissioner Libbin stated that there is lack of awareness on the part of the residents on open and expired permits. He met with Hamid Dolikhani, Acting Building Director, and became aware of the requirements on expired permits. He is suggesting that the residents will have a better chance and the City will have less open and expired permits, if the residents were alerted to the fact that the situation existed before they are trying to sell their property. He stated that the computer has the record of all of the expired permits and stated that if the residents were notified there would not be 39,000 expired permits.

Hamid Dolikhani, Acting Building Department Director, stated that since April 2004, the Internet site has a record of the expired and open permits and has been publicized and available to the residents. He explained that contractors and owners have been notified since 1997 but there has been little reaction to it. Since October 2004, the Building Department is placing a hold on contractor's licenses that have expired permits. This has been successful since there were 55,000 open and expired permits before.

Jorge Gonzalez, City Manager, stated that, if it is the will of this Commission, he would advice on sending one notice at a certain time after the permit expires, rather than having multiple notices.

Commissioner Garcia suggested that a courtesy notice be sent annually to the holders of open and expired permits.

Motion made by Commissioner Libbin to notice the property owners of any permits which have been expired for one year on an annual basis and come back to revisit the process after two years. No vote taken and discussion continued.

Commissioner Gross suggested sending a courtesy notice once to the registered property owners who have permits which have been expired for more than one year. **Hamid Dolikhani to handle.**

Commissioner Garcia requested a report six months after the notice is sent. **Hamid Dolikhani to handle.**

Mayor Dermer stated to make sure the letter states the notice is a courtesy notice.

Benita Argos stated that if there is no compliance by a certain date there should be a fine.

8:54:51 p.m.

R9D Discussion Regarding Donating Surplus Police Equipment To The National Police Department In The Dominican Republic.

(Requested by Commissioner Simon Cruz)

ACTION: Discussion held.

Commissioner Cruz stated that this donation came about at the Police Chief's Annual dinner that he attended.

Motion made by Commissioner Cruz to donate surplus police equipment to the Dominican Republic Police Department; seconded by Commissioner Garcia; Voice vote 7-0. **Chief De Lucca to handle.**

Jorge Gonzalez, City Manager, stated that he instructed City staff to prepare waiver and hold harmless agreement for the donated items because the items are used and could be in a deteriorating condition.

Commissioner Garcia stated that there was a request, after one of the hurricanes that hit Cozumel, for assistance, and the City has never acted on this request. He explained that the e-mail was sent to the City Manager's Office for aid for Police and Fire items. He requested the Administration look into this request since Cozumel is a Sister City. **Dolores Mejia to handle.**

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
January 11, 2006**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Richard L. Steinberg
Member of the Board Jerry Libbin

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

11:00:45 a.m.**3. NEW BUSINESS**

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying A Settlement Agreement And Release Between The City And The Tower Group In Full And Final Settlement And Release Of All City Claims For Damages Against Both Entities For The Scope Of Work For The Regional Library Project, In The Amount Of \$150,000.00, And Further Appropriating \$150,000 To The City For Said Settlement From City Center Redevelopment Area Funds.

(Capital Improvement Projects)

ACTION: Resolution No. 523-2006 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Bower. Patricia Walker to appropriate funds. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, introduced the item

Handout or Reference Material

1. Bounded document titled URS – Regional Library – Review of “The Tower Groups” Delay Claim for the City of Miami Beach by URS Corporation

End of RDA Agenda

Meeting adjourned at 9:12:53 p.m.